

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 201905283	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/10/2019 2:30 PM	Location of Incident: [REDACTED]	Precinct: 09	18 Mo. SOL 12/10/2020	EO SOL 7/27/2021	
Date/Time CV Reported Mon, 06/17/2019 8:21 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 06/17/2019 8:21 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Demenezes	22185	952643	009 PCT
2. POM Zachery Zinaman	16519	960081	009 PCT
3. SGT Sharette Delisser	01018	948137	C A B

Officer(s)	Allegation	Investigator Recommendation
A.SGT Sharette Delisser	Abuse: Sergeant Sharette Delisser forcibly removed § 87(2)(b) to the hospital.	[REDACTED]
B.POM Zachery Zinaman	Force: Police Officer Zachery Zinaman used physical force against § 87(2)(b)	[REDACTED]
C.POM Christophe Demenezes	Force: Police Officer Christopher Demenezes used physical force against § 87(2)(b)	[REDACTED]
D.POM Zachery Zinaman	Abuse: Police Officer Zachery Zinaman threatened § 87(2)(b) with the use of force.	[REDACTED]
E.POM Zachery Zinaman	Force: Police Officer Zachery Zinaman used physical force against § 87(2)(b)	[REDACTED]
F.POM Christophe Demenezes	Force: Police Officer Christophe Demenezes used physical force against § 87(2)(b)	[REDACTED]

Case Summary

On June 17, 2019, § 87(2)(b) filed this complaint at the CCRB in person.

On June 10, 2019, § 87(2)(b) called 911 because she wanted to report a crime. PO Christopher Demenezes and PO Zachery Zinaman from the 9th Precinct responded to § 87(2)(b) § 87(2)(b), in Manhattan, at approximately 2:30 p.m. After they were inside for some time, PO Zinaman stated they were going to call an ambulance for § 87(2)(b) and she told the officers to get out of her apartment (**Allegation A: Abuse of Authority, § 87(2)(g)**). While waiting for the emergency medical personnel to arrive, § 87(2)(b) attempted to stand up and was handcuffed (**Allegations B and C: Force, § 87(2)(g)**). EMT Watenburg and EMT § 87(2)(b) arrived. § 87(2)(b) resisted the officers' attempt to restrain her in a chair and they lifted her off of her couch and placed her into a chair (**Allegation D: Abuse of Authority: § 87(2)(g)**; **Allegations E and F: Force, § 87(2)(g)**). The EMTs and officers escorted § 87(2)(b) out of the building and transported her to § 87(2)(b).

Body-worn camera footage and footage provided by § 87(2)(b) was recovered in the course of this investigation (BR02-BR03).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Sharette Delisser forcibly removed § 87(2)(b) to the hospital.

It is undisputed that § 87(2)(b) called the police on June 10, 2019, and invited PO Zinaman and PO Demenezes into her apartment.

§ 87(2)(b) testified to the CCRB that on June 10, 2019, at approximately 2:00 p.m., she called the police to report crimes being committed against her in her building. Two police officers, PO Demenezes and PO Zinaman arrived at her apartment 20-30 minutes later. § 87(2)(b) lives at § 87(2)(b) § 87(2)(b), in Manhattan. When the officers arrived at the apartment, they entered the apartment at § 87(2)(b)'s invitation. § 87(2)(b) told officers she had been a victim of a theft. She stated that people had stolen medications and PO box keys. The officers listened to her complaints regarding the alleged thefts. They then had a conversation with each other. PO Zinaman told PO Demenezes, "We should take her for a psych eval." PO Zinaman also asked PO Demenezes, "Should we call the buzz?" PO Zinaman then made a call to someone, possibly over his radio. One of the officers told § 87(2)(b) they were going to take her for a psychological evaluation. § 87(2)(b) said she was not going to go multiple times. § 87(2)(b) told the officers to get out of her house, increasing her volume, between five and ten times. The officers did not leave. Later, two EMTs arrived. Neither EMT asked § 87(2)(b) any questions about her mental health, or conducted any physical evaluation. § 87(2)(b) refused to sign HIPAA forms (BR01).

§ 87(2)(g) PO Zinaman stated that he spoke with § 87(2)(b) for approximately 15 minutes. He stated her story about the alleged thefts did not make sense and was incoherent at points; he believed that she was possibly

not well. PO Zinaman called his desk sergeant, Sgt. Sharette Delisser from the 9th Precinct, and relayed what he had observed at the apartment. Sgt. Delisser told him that § 87(2)(b) frequently went to the stationhouse and made similar types of complaints, and instructed PO Zinaman to call for emergency medical services (EMS) personnel to conduct an assessment. At that point, the job was converted from a response to a complaint to a possible emotionally disturbed person (EDP) call. The officers waited in the apartment until two FDNY EMTs arrived. The EMTs attempted to conduct an assessment of § 87(2)(b) but § 87(2)(b) refused to answer their questions. The EMTs informed PO Zinaman that they were going to remove § 87(2)(b) to the hospital for further evaluation. PO Zinaman stated that in a situation with a possible EDP, it is NYPD procedure to remain on scene until EMS personnel arrive, even if the possible EDP requests the officers leave. (BR04).

PO Zinaman's body-worn camera footage is consistent with testimony provided by § 87(2)(b) and PO Zinaman. It depicts the officers having a conversation with § 87(2)(b) and PO Zinaman making a phone call. § 87(2)(b) requests that the officers leave; the officers remain in the apartment. Between 11:47 minutes and 20:52 minutes, EMT Augstino and EMT Watenburg attempt to ask § 87(2)(b) questions and discuss her situation. § 87(2)(b) repeats her allegations regarding thefts of property and hacking, but does not answer the EMTs evaluation questions (BR03).

§ 87(2)(g) Sgt. Delisser did not respond to the incident location. Sgt. Delisser did not state whether she knew what the final outcome of the incident was. Sgt. Delisser added that she was concerned for § 87(2)(b)'s safety due to § 87(2)(b)'s possible confusion. § 87(2)(b) had made the same complaint that she was attempting to make to PO Zinaman and PO Demenezes to Sgt. Delisser two or three days prior to June 10, 2019. § 87(2)(b)'s demeanor when she interacted with Sgt. Delisser on that date was confused. § 87(2)(b) requested to see a phone charger, and told Sgt. Delisser that officers were not taking her complaint when they were. § 87(2)(b) repeated herself multiple times, and was not able to remain focused. She jumped between different topics, requested to get wifi, and stated that officers were not complying with her requests as they complied with them. Sgt. Delisser believed that this behavior indicated a possible mental issue. Sgt. Delisser testified that when she spoke with PO Zinaman on June 10, 2019, PO Zinaman's description of § 87(2)(b)'s behavior led Sgt. Delisser to believe that § 87(2)(b) posed a threat to herself (BR11).

PO Zinaman prepared an AIDED form regarding this case. The narrative in the AIDED report is consistent with his testimony (BR11).

NYPD Patrol Guide Procedure 216-01 states a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to themselves or others (BR08).

Sgt. Delisser testified that she believed § 87(2)(b) required a medical assessment based on her previous interaction with § 87(2)(b) several days prior, in which she believed § 87(2)(b) exhibited a confused demeanor. Sgt. Delisser testified that PO Zinaman informed her that § 87(2)(b) was repeating a complaint she had made, and that she heard § 87(2)(b) yelling. Sgt.

Delisser stated that this made her concerned that § 87(2)(b) might pose a threat to herself.

§ 87(2)(g)

BWC footage shows that EMS personnel spoke with § 87(2)(b) and asked her questions about what was going on. § 87(2)(g)

§ 87(2)(g)

Allegation (B) Force: Police Officer Zachery Zinaman used physical force against § 87(2)(b)

Allegation (C) Force: Police Officer Christopher Demenezes used physical force against § 87(2)(b)

§ 87(2)(b) testified that after PO Zinaman and PO Demenezes had told her they were calling her an ambulance, she became very upset. She yelled at the officers to get out of her house. § 87(2)(b) did not state what she was doing other than yelling. § 87(2)(b) who was seated on a couch, may have attempted to stand up. As she did this, the officers moved towards her. § 87(2)(b) pushed out her arms to keep the officers away from her. The officers came into contact with her body, but § 87(2)(b) was not able to describe where they were in contact. She stated the officers used some type of physical technique to handcuff her. In the process of being handcuffed, § 87(2)(b) fell to her knees. § 87(2)(b) stated that she was on multiple medications at the time of the incident, but that these medications did not impact her behavior (BR01).

PO Demenezes body-worn camera footage, from internal timestamp 4:25 minutes, captures § 87(2)(b) who is seated on a couch, attempting to stand up. PO Demenezes instructs § 87(2)(b) to sit down, and grabs for § 87(2)(b)'s right arm, § 87(2)(b) sits down before he comes into contact with her. As this is happening, PO Zinaman moves towards § 87(2)(b) who has a pen in her right hand. At 4:34, PO Demenezes grabs § 87(2)(b)'s right wrist as PO Zinaman removes the pen from § 87(2)(b)'s clenched right fist. At 4:39, PO Zinaman pulls on § 87(2)(b)'s right arm and PO Demenezes pulls on her left arm. Simultaneously, § 87(2)(b) kicks PO Demenezes with her right leg. She is seated as the officers appear to attempt to pull her upright. PO Demenezes instructs § 87(2)(b) twice to stop resisting, she complies after the second instruction. At 4:47, the officers handcuff § 87(2)(b) (BR02).

PO Zinaman testified that after he called for an ambulance, § 87(2)(b)'s behavior became non-cooperative and hostile. PO Zinaman was not able to be more specific regarding her behavior. § 87(2)(b) then attempted to stand up. PO Zinaman and PO Demenezes moved to

restrain § 87(2)(b) PO Zinaman stated he placed one of his hands on § 87(2)(b)'s arm, he did not recall where on her arm he grabbed. PO Zinaman did not know what items were inside § 87(2)(b)'s apartment. The lack of situational control combined with § 87(2)(b)'s aggression led to PO Zinaman feeling concerned for his safety if she walked around the apartment. After placing his hand on § 87(2)(b)'s arm, PO Zinaman and PO Demenezes handcuffed § 87(2)(b) (BR04).

NYPD Patrol Guide Procedure 221-01 states that MOS will use only the reasonable force necessary to gain control or custody of a subject. It states that in determining whether the use of force is reasonable, members of service should consider the following factors: the nature and severity of the crime/circumstances; the actions taken by the subject; the duration of the action; the immediacy of the perceived threat or harm; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; the number of subjects compared to the number of MOS; the size, age, and condition of the subject in comparison to the MOS; a subject's violent history if known; the presence of a hostile crowd or agitators; and whether the subject is apparently under the influence of a stimulant or narcotic which would affect pain tolerance or increase the likelihood of violence (BR07).

§ 87(2)(g)
[REDACTED]

Allegation (D) Force: Police Officer Zachery Zinaman threatened § 87(2)(b) with the use of force.

Allegation (E) Force: Police Officer Zachery Zinaman used physical force against § 87(2)(b)

Allegation (F) Force: Police Officer Christophe Demenezes used physical force against § 87(2)(b)

§ 87(2)(b) testified that approximately five to ten minutes after the officers handcuffed her, two EMTs arrived at her apartment. PO Demenezes and one of the EMTs stood in § 87(2)(b)'s living room. After the EMTs and officers were inside § 87(2)(b)'s apartment for an unspecified period of time, the officers placed a mesh restraining blanket around § 87(2)(b) and the EMTs removed her from the apartment (BR01).

PO Zinaman and PO Demenezes, and the EMTs, attempted to convince § 87(2)(b) to cooperate with them in proceeding to the ambulance. § 87(2)(b) refused. The EMTs retrieved an ambulance chair to move her from the apartment to the ambulance. When PO Zinaman and PO Demenezes approached § 87(2)(b) to move her to the chair, she kicked her legs at the officers and attempted to bite PO Zinaman. § 87(2)(b)'s legs did not come into contact with PO

Zinaman's or PO Demenezes bodies, and she did not succeed in biting PO Zinaman. PO Zinaman did not specifically recall the physical process by which the officers moved § 87(2)(b) from the couch to the chair. He did recall that she was cuffed. PO Zinaman and PO Demenezes secured § 87(2)(b) to the chair using a strap attached to the chair. PO Zinaman did not recall any additional restraints (BR04).

PO Demenezes body-worn camera footage from timestamp 23:35 minutes shows PO Demenezes stating, "Alright § 87(2)(b) we're going." § 87(2)(b) repeatedly refuses to go anywhere or put her shoes on. At 23:43, PO Zinaman states, "Either you come with us or we're going to have to drag you out. Which one?" At 23:52, § 87(2)(b) attempts to kick PO Demenezes, both officers tell § 87(2)(b) not to kick. Between 23:52 and 24:20, § 87(2)(b) thrashes her body and kicks her legs at both officers. Between 24:25 and 25:35, § 87(2)(b) repeats that what officers are doing is illegal, and insists that the officers hand her phone to her. She also states, § 87(2)(b) Herman at the CCRV told me you cannot do this." PO Demenezes responds that she will have her phone at the hospital. § 87(2)(b) attempts to stand up at 25:01. At 25:50, PO Demenezes asks if § 87(2)(b) is going to go comply with officers' instructions, in response to repeated requests to remove her handcuffs. § 87(2)(b) responds she is. After some conversation, § 87(2)(b) stands up, guided by PO Demenezes. He and § 87(2)(b) discuss how she is going to leave the apartment, with § 87(2)(b) agreeing to put on her shoes and leave on her own accord after she retrieves various items. At 27:01, § 87(2)(b) sits back down and refuses to leave the apartment. At 27:30, PO Zinaman calls for a sergeant. At 28:07, after an extended conversation regarding whether she will be compliant with officers' and EMT's instructions, § 87(2)(b) states she does not need to cooperate with their instructions. At 28:14, PO Zinaman, speaking to PO Demenezes, states, "Alright you ready to put her in the chair?" He reaches towards § 87(2)(b)'s left arm, while PO Demenezes moves forward. She pulls away from physical contact with the officers. The officers repeatedly tell her to stop moving, § 87(2)(b) thrashes and at 28:33 attempts to pull away from the officers. PO Zinaman moves around § 87(2)(b) as the EMTs enter carrying an orange chair. At 28:43, § 87(2)(b) screams that officers are hurting her. After this, PO Zinaman and an EMT secure § 87(2)(b) to a chair (BR02).

NYPD Patrol Guide Procedure 221-01, as listed above, lists multiple factors to analyze in considering whether a particular use of force is reasonable (BR07).

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to three CCRB complaints and has been named as a victim in eleven allegations (BR06).
 - § 87(2)(b)
- PO Demenezes has been a member of service for seven years and has been a subject in two CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)
- PO Zinaman has been a member of service for four years and has been a subject in two CCRB complaints and 11 allegations, of which seven were substantiated.
 - 201608016 involved substantiated allegations of Force – Nightstick as club (incl asp and baton), Force – Physical Force, and Abuse of Authority – Threat of force (verbal or physical) against PO Zinaman. The board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g)
- Sergeant Delisser has been a member of service for ten years and has been the subject in three CCRB complaints and four allegations, none of which have been substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- On June 21, 2019, this case was sent to mediation and on August 22, 2019 the case was returned to investigation as the complaint was no longer suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming Libel, Slander, Defamation of Character, Humiliation, Property Loss, and Property Damage and seeking \$250,418.00 as redress (BR05). There is no 50H hearing scheduled.
- According to the Office of Court Administration (OCA), § 87(2)(b) has not history of convictions in New York City (BR09).

Squad No.: 12

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date